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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/650,120	08/28/2000	Samuel H. Christie IV	7000-445	8022
27820	7590	06/07/2006	EXAMINER	
WITHROW & TERRANOVA, P.L.L.C. P.O. BOX 1287 CARY, NC 27512				SHERKAT, AREZOO
			ART UNIT	PAPER NUMBER
			2131	

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/650,120	CHRISTIE, SAMUEL H.	
Examiner		Art Unit	
Arezoo Sherkat		2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 06 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-29 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 August 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/19/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

Response to Amendment

1. This office action is responsive to Applicant's amendment received on 3/6/2006.
Claims 1-29 remain pending.

Response to Arguments

2. Applicant's arguments filed 3/6/2006 have been fully considered but they are not persuasive.

Applicant argues "Bendinelli fails to disclose a firewall controller directly communicating with a firewall to open and close pinholes through the firewall" (Remarks, page 3).

The office responds that Bendinelli discloses "If both the originating gateway (e.g., the first gateway 650) and the destination gateway (e.g., the second gateway 651) are not accessible behind firewalls (not shown) (steps 1330 and 1390), a direct tunnel between the originating gateway and the destination gateway may not be possible because the firewall may hide the real or public IP addresses of the originating gateway and destination gateway, respectively. As a result, the network operations center 610 may enable at the proxy module 613 a proxy (also referred to herein as a "Hairpin") (step 1391) to enable a tunnel between the first gateway and the second gateway 651 through the proxy" (col. 36, lines 61-67 and col. 37, lines 1-67 and col. 38, lines 1-30).

Applicant also argues that the prior arts fail to disclose a firewall controller as a media gateway controller.

The office responds that Bendinelli discloses "If the first and second gateways 1510, 1520 consent to enabling a hairpin, the network operations center 610 may then authorize the hairpin for the first and second gateways 1510, 1530 at the proxy 1530. The hairpin may then permit the first and second gateways 1510, 1520 to communicate and thus exchange information even when the firewalls 1590, 1591 may not allow a direct connection between the first and second gateways 1510, 1520" (col. 41, lines 10-67 and col. 42, lines 1-67 and col. 43, lines 1-19).

Moreover, Kimchi discloses, "Referring to FIG. 3c, signaling logic is located on Media Gateway Controllers 330 (MGCs-also known as Call Agents or SoftSwitches) and media logic is located on Media Gateways 332 (MGs). Using MGCP or Megaco/H.248 334, MGCS can control MGs to set up media (for example, voice traffic) paths 336 through the distributed network" (page 4, par. 0036). One of ordinary skill at the time of invention would have been motivated to modify teachings of Bendinelli's IP network to provide telephony service over an IP-based network and integrate the applications and telephony because it allows packets carrying data for the call to be sent between two parties without reserving connections between the parties of the call and increases efficiency in business (page 1, par. 0006). Also, one of ordinary skill in the art would have been motivated because this modification would simplify standards for VOIP technology by eliminating the need for complex and processor-intense IP telephony devices, therefore lowering the cost of these terminals (page 4, par. 0036).

Prior arts of record read on the claim limitations as currently presented; therefore, the office respectfully maintains the rejection communicated in the office action mailed on December 8 2005 as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bendinelli et al., (U.S. Patent No. 6,631,416 and Bendinelli hereinafter).

Regarding claims 1, 12, and 15, Bendinelli discloses a method of remotely controlling a firewall from a firewall controller in order to permit the flow of packet data through said firewall, the method comprising:

sending a request message from a firewall controller to a firewall requesting that a pinhole (i.e., hairpin) be opened, and opening a pinhole in said firewall, sending a request message from a firewall controller to said firewall requesting that a pinhole be closed, and closing said pinhole (Col. 38, lines 59-67 and Col. 39-40, lines 1-67 and Col. 41, lines 1-10).

Regarding claims 2-3, 5, 8, 17, and 21, Bendinelli discloses a firewall controller for permitting the flow of packet data, said firewall controller comprising:

means for determining a need for a pinhole in a firewall, means for sending a request message to said firewall requesting that a pinhole be opened in said firewall; and means for sending a request message to said firewall requesting that said pinhole be closed in said firewall (Col. 41, lines 10-67 and Col. 42, lines 1-67 and Col. 43, lines 1-4).

Regarding claims 16, 25, and 26, computer program product in a firewall, said firewall responsive to a media gateway controller, the computer program product having a medium with a computer program embodied thereon (Col. 71, lines 13-25), the computer program product comprising:

computer program code for receiving a request message from said media gateway controller requesting that a pinhole be opened in said firewall, computer program code for opening a pinhole in said firewall, computer program code for receiving a request message from said media gateway controller requesting that said pinhole be closed in said firewall, and computer program code for closing said pinhole in said firewall (Col. 38, lines 59-67 and Col. 39-40, lines 1-67 and Col. 41, lines 1-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 9, 13, 18, 22, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al., (U.S. Patent No. 6,631,416 and Bendinelli hereinafter), in view of Kimchi et al., (U.S. Publication No. 2002/0120760 and Kimchi hereinafter).

Teachings of Bendinelli with respect to limitations of claims 1, 8, 12, 16, and 21 have been discussed previously.

Regarding claims 4, 11, 20, and 24, Bendinelli does not expressly disclose wherein said firewall controller is a media gateway controller.

However, Kimchi discloses wherein said firewall controller is a media gateway controller (i.e., Media Gateway Control Protocol on a network device such as a router results in a media gateway controller for controlling media gateways to set up media, for example, voice traffic paths through the distributed network (Page 4, Par. 0036 and Page 6, Par. 0081-0095).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Kimchi to include a Media Gateway Control protocol in the firewall router and the support of H.225.0 Faststart for signaling in the client machine. One of ordinary skill in the art would be motivated because this modification would simplify standards for VOIP technology by eliminating the need for complex and processor-intense IP telephony devices, this lowering the cost of these terminals (Kimchi, Page 4, Par. 0036).

Regarding claims 6, 9, 13, 18, and 22, Bendinelli does not expressly disclose wherein said request messages are formatted in the H.248 protocol.

However, Kimchi discloses wherein said request messages (i.e., voice traffic) are formatted in the H.248 protocol (Page 4, Par. 0036).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Kimchi to include a Media Gateway Control protocol, Megaco or H.248 in the firewall router. One of ordinary skill in the art would be motivated because this modification would simplify standards for VOIP technology by eliminating the need for complex and

processor-intense IP telephony devices, therefore lowering the cost of these terminals (Kimchi, Page 4, Par. 0036).

Regarding claim 28, Bendinelli does not expressly disclose wherein said firewall controller is a media gateway controller acting as a call server in a VOIP telephony network.

However, Kimchi discloses wherein said firewall controller is a media gateway controller acting as a call server in a VOIP telephony network (i.e., Media Gateway Control Protocol on a network device such as a router results in a media gateway controller for controlling media gateways to set up media, for example, voice traffic paths through the distributed network||page 4, Par. 0036 and Page 6, Par. 0081-0095).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Kimchi to include a Media Gateway controller acting as a call server in a VoIP telephony network. One of ordinary skill in the art would be motivated because this modification would simplify standards for VOIP technology by eliminating the need for complex and processor-intense IP telephony devices, therefore lowering the cost of these terminals (Kimchi, Page 4, Par. 0036).

Regarding claims 27 and 29, Bendinelli discloses a computer system for remotely controlling a firewall from a firewall controller comprising:

a firewall operatively connected to a private computer network and at least one external computer network, and a firewall controller operatively connected to said firewall for remotely instructing said firewall to open and close pinholes in said firewall. (Col. 37, lines 11-67 and Col. 38, lines 1-59).

Claims 7, 10, 14, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bendinelli et al., (U.S. Patent No. 6,631,416 and Bendinelli hereinafter), in view of Putzolu et al., (U.S. Patent No. 6,611,864 and Kimchi hereinafter).

Teachings of Bendinelli with respect to limitations of claims 1, 8, 12, 16, and 21 have been discussed previously.

Regarding claims 7, 10, 14, 19, and 23, Bendinelli does not expressly disclose wherein said request messages are formatted in the common open policy services (COPS) protocol.

However, Putzolu discloses wherein said request messages are formatted in the common open policy services (COPS) protocol (Col. 3, lines 1-67 and Col. 4, lines 1-35).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teachings of Bendinelli with the teachings of Putzolu to include common open policy services protocol and COPS request

messages. One of ordinary skill in the art would be motivated because this modification would provide for a powerful means of managing computer networks (Putzolu, Col. 2, lines 10-20).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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May 25, 2006

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